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Attorneys for Defendants, STEVEN KILTY; FBN TRANSPORTATION, LLC; AMSTON
SUPPLY, INC.; MARDAN TRANSPORTATION, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARGARET KEIPER and DAIL
KEIPER, JR., Individually and as the
Successors-in-Interest to DAIL KEIPER,
SR., Deceased,

Plaintiffs,

v.

VICTOR VALLEY TRANSIT
AUTHORITY, a Governmental entity;
DINORAH AGUILAR; TRANSDEV
SERVICES, INC., a Maryland
Corporation; VEOLIA
TRANSPORTATION SERVICES, INC.,
A Corporation; STEVEN KILTY; FBN
TRANSPORTATION, LLC, a Wisconsin
Limited Liability Company; MARDAN
TRANSPORTATION LLC, a Wisconsin
Limited Liability Company; AMSTON
SUPPLY, INC., a Wisconsin Corporation;
and DOES 1 to 100, inclusive,

Defendants.

CASE NO. 5:15-CV-00703-BRO(SP_x)

**ANSWER OF CROSS-
DEFENDANTS, AMSTON SUPPLY,
INC. and MARDAN
TRANSPORTATION, LLC, TO
CROSS-CLAIM OF VICTOR
VALLEY TRANSIT AUTHORITY,
DINORAH AGUILAR, TRANSDEV
SERVICES, INC. AND VEOLIA
TRANSPORTATION SERVICES,
INC., PRESENTING DEFENSES
UNDER RULE 12(b);
DEMAND FOR JURY TRIAL**

VICTOR VALLEY TRANSIT
 AUTHORITY, a government entity;
 DINORAH AGUILAR, an individual;
 TRANSDEV SERVICES, INC., a
 Maryland corporation; VEOLIA
 TRANSPORTATION SERVICES, INC.,
 a corporation,

Cross-Claimants,

v.

STEVEN KILTY, an individual; FBN
 TRANSPORTATION, LLC, a Wisconsin
 Limited Liability Company; MARDAN
 TRANSPORTATION LLC, a Wisconsin
 Limited Liability Company; AMSTON
 SUPPLY, INC., a corporation; and DOES
 1 to 10, inclusive,

Cross-Defendants.

Cross-Defendants, AMSTON SUPPLY, INC. and MARDAN
 TRANSPORTATION, LLC, (hereinafter "Cross-Defendants"), for themselves alone,
 answer the Cross-Claim of Cross-Claimants, VICTOR VALLEY TRANSIT
 AUTHORITY, DINORAH AGUILAR, TRANSDEV SERVICES, INC. and
 VEOLIA TRANSPORTATION SERVICES, INC. (hereinafter "Cross-Claimants"),
 by admitting, denying, and alleging as follows:

FIRST CLAIM FOR RELIEF – EQUITABLE INDEMNITY

1. Cross-Defendants are without sufficient knowledge or information to
 either admit or deny the allegations contained in this paragraph.
2. Cross-Defendants are without sufficient knowledge or information to
 either admit or deny the allegations contained in this paragraph.
3. Cross-Defendants are without sufficient knowledge or information to
 either admit or deny the allegations contained in this paragraph.

1 4. Cross-Defendants are without sufficient knowledge or information to
2 either admit or deny the allegations contained in this paragraph.

3 5. Cross-Defendants are without sufficient knowledge or information to
4 either admit or deny the allegations contained in this paragraph.

5 6. Cross-Defendants are without sufficient knowledge or information to
6 either admit or deny the allegations contained in this paragraph.

7 7. Cross-Defendants are without sufficient knowledge or information to
8 either admit or deny the allegations contained in this paragraph.

9 8. Admit.

10 9. Admit.

11 10. Cross-Defendants are without sufficient information as to the
12 truthfulness of this paragraph and on that basis deny the allegations therein.

13 11. Cross-Defendants admit that Kilty was acting under the motor carrier
14 authority of FBN. Cross-Defendants deny an agency relationship between Cross-
15 Defendants MARDAN or AMSTON existed.

16 12. Admit.

17 13. Admit.

18 14. Admit.

19 15. Cross-Defendants are without sufficient knowledge or information to
20 either admit or deny the allegations contained in this paragraph.

21 16. Admit.

22 17. Deny.

23 18. Deny.

24 19. Deny.

25 **SECOND CLAIM FOR RELIEF - CONTRIBUTION**

26 20. Cross-Defendants incorporate as though fully set forth, the responses to
27 Paragraphs 1 through 21 as though fully set forth herein.

28 21. Deny.

1 **AFFIRMATIVE DEFENSES**

2 **Failure to State a Cause of Action**

3 22. The Cross-Claim fails to state facts sufficient to constitute a cause of
4 action.

5 **Comparative Fault**

6 23. That the accident and resulting injuries and damages, if any, alleged by
7 the Cross-Claim were proximately caused and contributed in some degree, by the
8 negligence and carelessness of the Cross-Claimants, in that they so negligently failed
9 to exercise ordinary care and caution for their own safety, so as to cause said action.

10 **Fault of Others**

11 24. That Cross-Claimants are barred from any recovery herein as to these
12 answering Cross-Defendants and that any damages proven to have been sustained by
13 the Cross-Claimants herein, would be the direct and proximate result of the
14 independent negligence and unlawful conduct of independent third parties whether
15 named or not named, or their agents, and not any act or omission on the part of these
16 answering Cross-Defendants.

17 **Proposition 51**

18 25. Under and pursuant to the terms of *Civil Code*, Section 1431.1 through
19 1431.5, the Cross-Claimants are barred and precluded from recovery against these
20 answering Cross-Defendants for any non-economic damages except those allocated
21 to these Cross-Defendants in direct proportion to its percentage of fault, if any such
22 fault, or damages there be.

23 **Graves Amendment**

24 26. The liability of MARDAN and AMSTON is limited and pre-empted
25 under the so-called Graves Amendment as a lessor of vehicles engaged in interstate
26 commerce. 49 U.S.C. 30106, et seq.

27 WHEREFORE, Cross-Defendants, AMSTON SUPPLY, INC. and MARDAN
28 TRANSPORTATION, LLC, pray as follows:

1 1. That Cross-Claimants take nothing by virtue of their Cross-Claim on file
2 herein, or any cause of action contained therein;

3 2. For judgment and costs of suit incurred herein;

4 3. For other and further relief as the Court deems proper and just.

5 DATED: October 15, 2015

Respectfully submitted,

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7 WILLIAMSON LAW GROUP

8
9 By: /s/ John S. Williamson

10 John S. Williamson

11 *jwilliamson@williamsonlawgroup.net*

12 Attorneys for Defendants,

13 STEVE KILTY; FBN

14 TRANSPORTATION, LLC;

15 AMSTON SUPPLY, INC.;

16 MARDAN TRANSPORTATION, LLC
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DEMAND FOR JURY

DEMAND IS HEREBY MADE by Cross-Defendants, AMSTON SUPPLY, INC. and MARDAN TRANSPORTATION, LLC, that the above-captioned action be tried by a jury.

DATED: October 15, 2015

Respectfully submitted,

WILLIAMSON LAW GROUP

By: /s/ John S. Williamson

John S. Williamson

jwilliamson@williamsonlawgroup.net

Attorneys for Defendants,
STEVE KILTY; FBN
TRANSPORTATION, LLC;
AMSTON SUPPLY, INC.;
MARDAN TRANSPORTATION, LLC

CERTIFICATE OF SERVICE

I hereby certify that on 10/15/15, I electronically transmitted the following document(s) to the Clerk's Office using the CM-ECF System for filing and transmittal of Notice of Electronic filing to the following CM-ECF registrants:

DOCUMENT(S) SERVED:

ANSWER OF CROSS-DEFENDANTS, AMSTON SUPPLY, INC. and MARDAN TRANSPORTATION, LLC, TO CROSS-CLAIM OF VICTOR VALLEY TRANSIT AUTHORITY, DINORAH AGUILAR, TRANSDEV SERVICES, INC. AND VEOLIA TRANSPORTATION SERVICES, INC., PRESENTING DEFENSES UNDER RULE 12(b);

DEMAND FOR JURY TRIAL

PARTIES SERVED:

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ATTORNEYS FOR DEFENDANTS, VICTOR VALLEY TRANSIT AUTHORITY, TRANSDEV SERVICES, INC., VEOLIA TRANSPORTATION SERVICES, INC., DINORAH AGUILAR

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8 **ATTORNEYS FOR THIRD-PARTY DEFENDANT UNITED STATES OF**
9 **AMERICA**

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/s/ Brenda Rowland
BRENDA ROWLAND